

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for Determination of Need for
the Orlando/St. Cloud Regional Resiliency
Connection 230 kV Transmission Line
Project in Orange and Osceola Counties, by
Orlando Utilities Commission

DOCKET NO. 20200107-EM

FILED: May 19, 2020

**ORLANDO UTILITIES COMMISSION'S SECOND REQUEST FOR CONFIDENTIAL
CLASSIFICATION AND MOTION FOR TEMPORARY PROTECTIVE ORDER**

Orlando Utilities Commission ("OUC"), by and through undersigned counsel and
pursuant to Section 366.093, Florida Statutes, ("F.S.") and Rule 25-22.006, Florida
Administrative Code ("F.A.C."), hereby requests confidential classification of certain
information (the "Confidential Information") being provided on this date in response to
discovery propounded by the PSC Staff. The subject Confidential Information has been placed
on the enclosed "flash drive" labeled "***Confidential***". The flash drive should be treated as
confidential in its entirety.

1. On May 1, 2020, OUC filed in this docket its petition for determination of need
(the "Petition") for the Orlando/St. Cloud Regional Resiliency Connection 230 kV Transmission
Line and supporting prefiled direct testimony and exhibits of Aaron Staley, P.E. Mr. Staley's
testimony refers to a transmission reinforcement study of the St. Cloud area prepared in 2017
(the "Transmission Reinforcement Study"). Following this extensive and comprehensive study,
OUC continued with numerous, ongoing studies of the Orlando and St. Cloud transmission
systems, which culminated in the decision to construct the Orlando/St. Cloud Regional
Resiliency Connection 230 kV Transmission Line project ("Project").

2. In the course of preparing OUC's Petition and Mr. Staley's testimony and
exhibits, OUC's counsel communicated with the PSC Staff regarding the filing and advised them

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of the Transmission Reinforcement Study. Because of that Study's large volume (900 pages) and relative age, OUC decided that it was not appropriate to include the Study as an exhibit with OUC's filing. The PSC Staff have now requested the Transmission Reinforcement Study through their First Request for Production of Documents (No. 1) served on OUC in this docket on May 15, 2020.

3. The Transmission Reinforcement Study consists in its entirety of proprietary confidential business information. This Request seeks confidential classification of the Confidential Information consistent with Rule 25-22.006, F.A.C., because the Study contains extensive information regarding OUC's transmission security systems and measures and consists of critical energy infrastructure information.

4. The following exhibits are included and made a part of this request:

- a. Exhibit A is an electronic storage device containing an unedited version of the Confidential Information. The Confidential Information consists of the Transmission Reinforcement Study.
- b. Exhibit B is a table that identifies the specific data fields for which OUC is requesting confidential classification and the statutory bases for the claim of confidentiality.
- c. Exhibit C is the affidavit of Aaron Staley, P.E. in support of the requested classification.

5. Section 366.093(1), F.S., provides that "Upon request of the public utility or other person, any records received by the Commission which are shown to be proprietary confidential business information shall be kept confidential and shall be exempt from s. 119.07 (1)." Section 366.093(3), F.S., defines proprietary confidential business information to mean information that

is (i) intended to be and is treated as private confidential information by OUC (ii) because disclosure of the information would cause harm, (iii) to OUC's rate payers and business operation, and (iv) the information has not been voluntarily disclosed to the public.

6. OUC is requesting confidential classification of the Confidential Information because the Confidential Information contains information related to security measures, systems, or procedures. Such information constitutes protected proprietary confidential business information pursuant to Section 366.093(3)(c), Florida Statutes. As described in more detail in the affidavit attached as Exhibit C, the information contains or constitutes critical energy infrastructure information, as defined in Section 388.113 of the Code of Federal Regulations (18 C.F.R. §388.113). Federal Energy Regulatory Commission ("FERC") Order 630 (issued February 21, 2003) and Order 683 (issued October 3, 2006) protect from public disclosure documents relating to critical energy infrastructure. This type of information previously has been granted confidential classification in Commission Order No. PSC-03-0551-FOF-EI and Order No. PSC-06-0631-CFO-EI. The specific bases for OUC's request for confidential classification are set forth in more detail in Exhibit B hereto. OUC has consistently treated and continues to treat the Confidential Information as confidential, and OUC has not voluntarily disclosed the Confidential Information to the public.

7. Upon a finding by the Commission that the material in Exhibit A for which OUC seeks confidential treatment is proprietary confidential business information within the meaning of Section 366.093(3), F.S., such information should not be declassified for a period of at least eighteen (18) months. Additionally, the material provided should be returned to OUC as soon as the information is no longer necessary for the Commission to conduct its business, pursuant to Section 366.093(4), F.S.

MOTION FOR PROTECTIVE ORDER

8. Pursuant to Section 366.093(3), Florida Statutes, and Rule 25-22.006(6), F.A.C., OUC respectfully moves for a protective order that would exempt the Confidential Information from disclosure pursuant to Section 119.07(1), Florida Statutes, and that would require and ensure that the Confidential Information will be handled and treated as confidential pursuant to PSC Order No. 2020-0135-PCO-EM, the Order Establishing Procedure in this proceeding, to the extent that the information is offered as evidence at the hearing.

9. As stated above, the PSC Staff have requested the Transmission Reinforcement Study through their First Request for Production of Documents (No. 1) propounded to OUC on May 15, 2020. Rule 25-22.006(a), F.A.C., provides that any utility, OUC here, may request a protective order to protect proprietary confidential business information from disclosure and to ensure that the confidentiality of the information will be protected during the course of the proceeding. Rule 25-22.006(6)(b), F.A.C., provides that the PSC's protective orders shall exempt proprietary confidential business information from Section 119.07(1), Florida Statutes. As explained in OUC's foregoing request for confidential classification, the information contained in the Confidential Information is OUC's confidential proprietary business information and that it contains critical energy infrastructure information protected from disclosure by applicable rules of the FERC.

10. Accordingly, OUC respectfully requests that the PSC, through the Prehearing Officer for this docket, enter a temporary protective order protecting the Transmission Reinforcement Study from disclosure pursuant to Section 119.07(1), Florida Statutes, and further affirming that any confidential information contained within the Transmission Reinforcement

Study used in the hearing will be protected in accordance with the PSC's Order No. 2020-0135-PCO-EM.

CONCLUSION AND RELIEF REQUESTED

WHEREFORE, for the above and foregoing reasons, as more fully set forth in the supporting materials and affidavit included herewith, OUC respectfully requests that its Second Request for Confidential Classification be granted such that the Confidential Information that is the subject of this Request and Motion will be accorded confidential classification for a minimum of 18 months, subject to the information being returned to OUC earlier if it is not used in the hearing, and that the PSC issue a temporary protective order protecting the Confidential Information from public disclosure.

Respectfully submitted this 19th day of May, 2020.

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Attorneys for Orlando Utilities Commission

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by electronic mail this 19th day of May, 2020, to the following parties.

Charles Murphy Gabriella Passidomo Office of the General Counsel Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-0850 cmurphy@psc.state.fl.us gpassido@psc.state.fl.us	J.R. Kelly Patricia Christensen Thomas David A. Mireille Fall-Fry Office of Public Counsel c/o The Florida Legislature 111 West Madison Street, Room 812 Tallahassee, Florida 32399 kelly.jr@leg.state.fl.us christensen.patty@leg.state.fl.us david.tad@leg.state.fl.us fall-fry.mireille@leg.state.fl.us
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Robert Scheffel Wright

Attorney

Exhibit B

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for determination of need for the Orlando/St. Cloud Regional Resiliency Connection 230 kV transmission line project in Orange and Osceola Counties, by Orlando Utilities Commission.

DOCKET NO. 20200107-EM

DATED: MAY 19, 2020

<u>Document (File Name)</u>	<u>Description of Information</u>	<u>Pages</u>	<u>Statutory Justification</u>
Request to POD 1	St. Cloud Transmission Reinforcement Study	A11	§366.093(3)(e), Fla. Stat.

Exhibit C

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Orlando Utilities Commission

DOCKET NO. 20200107-EM

FILED: March 26, 2020

**AFFIDAVIT OF AARON STALEY IN SUPPORT OF ORLANDO UTILITIES
COMMISSION'S SECOND REQUEST FOR CONFIDENTIAL CLASSIFICATION**

STATE OF FLORIDA

COUNTY OF ORANGE

BEFORE ME, the undersigned authority duly authorized to administer oaths, personally appeared Aaron Staley, who being first duly sworn, on oath deposes and says that:

1. My name is Aaron Staley. I am over the age of 18 years old and I have been authorized by the Orlando Utilities Commission ("OUC") to give this affidavit in the above-styled proceeding on OUC's behalf and in support of OUC's Second Request for Confidential Classification. I have personal knowledge of the matters stated in this affidavit.

2. I am employed by OUC as Manager of Transmission Planning and Reliability. My business address is 6003 Pershing Avenue, Orlando, FL 32822. I am responsible for transmission planning at OUC.

3. OUC is seeking confidential classification for certain information contained in a response to a Data Request from the Florida PSC Staff, specifically a report entitled St. Cloud Transmission Reinforcement Study, prepared for OUC by Burns & McDonnell, dated 5/24/2017, as more specifically identified in Exhibits A and B of OUC's Second Request for Confidential Classification.

Exhibit C

4. OUC is requesting confidential classification of this information because it is OUC's proprietary confidential business information, in that it contains or constitutes critical energy infrastructure information, as defined in Section 388.113 of the Code of Federal Regulation (18 C.F.R. §388.113). Federal Energy Regulatory Commission ("FERC") Order 630 (issued February 21, 2003) and Order 683 (issued October 3, 2006) protect from public disclosure documents relating to critical energy infrastructure. The disclosure of this information to third parties would harm OUC and OUC's ratepayers.

5. The information identified in Exhibit A and Exhibit B is intended to be and is treated as confidential by OUC and has not been disclosed to the public.

6. This concludes my affidavit.



STATE OF FLORIDA
COUNTY OF Florida Orange

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 26th day of March, 2020 by Aaron Staley, who is personally known to me or has produced _____ as identification.



NOTARY PUBLIC
Print Name: _____
My Commission Expires: _____

